

Section 2

Comments and Responses

2.1 List of Comment Letters

Section #	Written Comment #	Commenter	Date	Comment #	Comment Topic
2.2.1	Torres #1	Jess Torres	12/19/06	1	Stormwater runoff
				2	Traffic level of service on Luther Road
				3	Traffic level of service at Highway 49 intersection with Luther Road, eastbound
				4	Number of traffic lanes on eastbound Luther Road; two lanes merging to one. Luther Road traffic congestion
				5	Luther Road traffic issues
				6	Luther Road traffic issues
				7	Luther Road traffic issues
				8	Traffic impact at project entrance
				9	Concern about a roadway dip on Canal Street, north of Luther Road
2.2.2	Torres #2	Jess Torres	1/9/07	1	Request for more-detailed street map
				2	Traffic level of service at the Luther Road/Highway 49 intersection
				3	Suggestion for improvement to the Luther Road/Canal Street intersection

Section 2
Comments and Responses

Section #	Written Comment #	Commenter	Date	Comment #	Comment Topic
2.2.3	Manis	Christina Manis	1/10/07	1	General concern about increased traffic, particularly on Highway 49, between Luther Road and Bell Road
				2	Concern for potential air quality impacts from new project residents
				3	Concern for potential reactive organic gas emissions
				4	Concern for potential carbon monoxide gas emissions
				5	Concern for potential release of asbestos into the atmosphere
				6	Concern for loss of blue oak woodlands and annual grasslands
				7	Specific concern for loss of native oak trees
				8	Concern for potential loss of special-status species
				9	Concern for loss of wetlands
				10	Concern for loss of special-status species
2.2.4	PG&E #1	Jeremy Nickel, PG&E	12/4/06	1	Concern for potential stormwater drainage impacts to Wise Canal
2.2.5	PG&E #2a	Robert Steigmeyer, PG&E	12/14/06	1	Concern for potential stormwater drainage impacts to Wise Canal
2.2.6	PG&E #2b	Robert Steigmeyer, PG&E	12/13/06	1	Concern for potential stormwater drainage impacts to Wise Canal
				2	Concern for potential stormwater drainage impacts to Wise Canal
2.2.7	PG&E #3	Robert Steigmeyer, PG&E	1/11/07	1	Information about property owner obligations based on grant deed

Section #	Written Comment #	Commenter	Date	Comment #	Comment Topic
				2	Reference to applicability of County's 100-foot watercourse setback ordinance
				3	Request for additional information about project stormwater drainage design
				4	Concern for potential stormwater drainage impacts to Wise Canal
				5	Reference to Federal Regulatory Agency authority concerning construction near Wise Canal
				6	Reference to need for PG&E approval of construction near Wise canal
2.2.8	Auburn Indian Community	Greg Baker, United Auburn Indian Community	1/5/07	1	Concurrence with EIR mitigation measure addressing potentially-occurring cultural resources
2.2.9	Caltrans	Bob Justice, Caltrans	1/11/07	1	Recommendation relative to new traffic signal at Luther Road/Canal Street intersection
				2	Identification of an error in Figure 3.11-2
				3	Identification of a formatting error in Tables 3.11-1 and 3.11-2
2.2.10	Public Utilities Commission	Kevin Boles, California Public Utilities Commission	12/14/06	1	Concern about safety in light of project's close proximity to railroad tracks
2.2.11	Placer County Water Agency	Heather Trejo, Placer County Water Agency	12/27/06	1	Recommendations concerning piping of Fiddler Green Canal
				2	Concurrence that domestic water is available to the site from a main in Canal Street

Section 2
Comments and Responses

Section #	Written Comment #	Commenter	Date	Comment #	Comment Topic
				3	Reference to the need for a facilities agreement with PCWA
2.2.12	Placer County Transportation	Stan Tidman, Placer County Transportation Agency	12/21/06	1	Reference to the Placer County Airport Land Use Compatibility Plan
				2	Placer County Airport Land Use Compatibility Plan background information
				3	Information about airplane overflight land use compatibility
				4	Request for inclusion of a map showing airport and compatibility zones relative to project site
				5	Suggestion that EIR cite Airport Land Use Commission
				6	Reference to Airport Land Use Commission role in project approval
				7	Reference to Airport Land Use Commission role in project approval
2.2.13	Placer County Sheriff	David Keyes, Placer County Sheriff	1/11/07	1	Suggestion for crime prevention methods in project design
				2	Statement concerning project's potential financial impact on the Sheriff's department
2.2.14	Placer County Fire Department	Brad Harris, Placer County Fire Department	11/29/06	1	Project design recommendations to improve fire equipment access and safety
2.2.15	California Highway Patrol	Rick Ward, California Highway Patrol	1/3/07	1	Statement concerning project's potential financial impact on the CHP
				2	Statement concerning project's potential financial impact on the CHP

2.2 Comment Letters

Individual comments have been identified in each comment letter with a corresponding comment number in the right margin. Following each comment letter is the “Response to Comments” page. Each “Response to Comment” page includes a summary of each numbered comment followed by a response for that comment. Some comments have been grouped together if they have a common response.

When the responses include changes to the DEIR, deletions are shown in strike out (~~strike out~~) and additions are shown in underline (underline).

2.2.1 Comment Letter #1 from Jess Torres

Torres #1

DEAR LEAH,

RECEIVED
DEC 19 2006

PAGE 1

PLANNING DEPT.

1. DRAINAGE PIPE, 18" AT NORTH EAST
CORNER OF CANAL AND ERIN.

A. SHOULD SHARE WATER RUNOFF
WITH PRESENT PIPE. PLANS NOT
AVAILABLE YET. RICK EIRI KNOWS
BACKGROUND OF M.O.W. (889-4500)

TRAFFIC B. TWO 250 FT. LANES TO ACCOM-
MODATE TRAFFIC WEST BOUND ^{ON LUTHER} ~~TO~~ ^{TO}
HWY 49, WITH THE ADDITION OF
600 NEW TRIPS WILL MAY RAISE
THE LOS FROM A "C" TO A "D".

C. TWO TURNING LANES FROM HWY 49
~~GET~~ ON TO LUTHER, EASTBOUND,
WILL HELP, LOS WILL REMAIN "F."
(600 NEW TRIPS).

D. TWO LANES GOING EAST ON LUTHER
FOR 250 FT. IS NOT GOOD.
TRAFFIC MERGING DOWN TO ONE

2 LANE TO CROSS THE BRIDGE PAGE 2
OVER THE CANAL WILL CAUSE A BACK-UP.
THIS WILL:

4
(Cont)

1. BLOCK MAITA'S LUTHER ROAD ENTER-
ANCE. (POSSIBLY ^{ALSO} THEIR HWY 49 ENTRANCE)

2. THERE IS NOT ENOUGH TIME BETWEEN
"SIGNAL" TURNING " CYCLES TO LET ALL THE
TRAFFIC CLEAR. THERE WILL ALSO BE CARS
TURNING RIGHT ONTO LUTHER FROM
HWY 49.

5

3. THIS WILL PREVENT CARS ON CANAL
FROM TURNING EAST ONTO LUTHER.
IT IS A DANGEROUS CORNER BE-
CAUSE YOU CAN ONLY SEE TO THE TOP
OF THE HILL, MAYBE 200 FEET.

6

4. TWO LANES TO THE TOP OF THE HILL
GOING EAST ON LUTHER IS NEEDED.
LUTHER ROAD HAS BECOME AN ARTERIAL
ROAD GOING EAST TO NEW SUBDIVISIONS,
HWY 80 AND THE RALEY'S AREA.
THE NEW LOS WILL BE F++.

7

PAGE 3

5. THERE IS NOTHING ON THE PRIMARY ENT-
ERANCE. E.I. R. IS INADEQUATE.

8

6. I SEE NOTHING IN THE E.I. R. ADD-
RESSING THE WINDING DIP THAT IS
22 FEET WIDE (BELOW CODE) 100 FEET
NORTH OF LUTHER ON CANAL STREET.

PLEASE CONSIDER WIDENING IT BY
CONCRETING OVER THE DANGEROUS
WATER FLOWING IN THE WATER CANAL
WITHIN FIVE FEET OF THE ROAD.

9

PROJECT CONSTRUCTION TRAFFIC WILL
MAKE THIS MORE DANGEROUS FOR
SCHOOL BUSES AND WORKING PEOPLE.

LEAH PLEASE DRIVE IT BETWEEN
3 AND 5 P.M., BE CAREFUL.

I AM AVAILABLE FOR QUESTIONS AT
ANY TIME.

SINCERELY,
Jana Tuma

Response to Comments from Jesse Torres, Letter #1

Comment 1 Response: This comment suggests that stormwater runoff should be addressed per an existing agreement with the development immediately uphill. An analysis of potential stormwater drainage impacts is contained in Section 3.10 of the EIR. This section includes reference to the agreement between the County and the adjoining development concerning conveyance of drainage. Additional, more detailed information storm drainage information will be contained in improvement plans prepared for the project.

Comment 2 Response: The commenter is concerned that addition of project traffic on Luther Road east of SR 49 may cause the LOS to deteriorate from C to D.

The Luther Road segment (east of SR 49), within the study, was analyzed as a two-lane arterial with turn lanes (one lane in each in the eastbound and westbound directions). As indicated in Tables 3.11-8, 3.11-10, 5-2 and 5-4 of the Draft EIR, the segment would operate at LOS C based on the LOS thresholds identified within Table 3.11-2. The thresholds within Table 3.11-2 were derived from the information documented in the Transportation Research Board Publication Highway Capacity Manual, Fourth Edition, 2000 and subsequently reviewed by the County.

Comment 3 Response: This comment suggests that even with the addition of turning lanes on Highway 49 at Luther Road, LOS F will still remain. Please refer to response to Comment 2.

Comment 4 Response: This comment expresses concern about existing lane reduction on Luther Road resulting in traffic back-up. It is not anticipated that the merge situation would result in spilling back the traffic onto the intersection of SR 49/Luther Road intersection.

Comment 5 Response: This comment expresses concern about turning movements at the Luther Road signal. The traffic on eastbound Luther Road will be the same regardless of the number of lanes on Luther Road. The Maita's Entrance on Luther Road will be blocked due to the eastbound Luther Road traffic. The gaps available for the outbound traffic from Maita's Entrance on Luther Road will be more from two lanes on eastbound Luther Road when compared to the one-lane. This is because the traffic would have the option of using two lanes as opposed to one lane. Although the lane drop would create a merge situation, it is anticipated that the two-lanes and the subsequent lane drop would aid in the circulation improvement.

Comment 6 Response: This comment expresses concern for traffic safety at the Luther Road/Canal Street intersection. See response to Comment 5.

Comment 7 Response: This comment recommends additional lanes on Luther road, east of Canal Street due to existing traffic volume. The project is conditioned for a installing a traffic signal at the intersection of Luther Road/Canal Street per the County guidelines which will improve safety. The widening of Luther Road east of SR 49 is not necessary from an LOS standpoint.

Comment 8 Response: The commenter is questioning the adequacy of the EIR by pointing to the lack of discussion on the primary project entrance within the EIR. The EIR discusses the primary project entrance at length under Impact T-2 Emergency Access/Design Hazard section on page 3.11-25 of the EIR.

Comment 9 Response: The commenter is concerned about the winding dip (22 feet wide) located approximately 100 feet north of Luther Road on Canal Street and also points out that the project construction traffic would make the situation even worse. This matter will be brought to the attention of the County road maintenance department for consideration.

2.2.2 Comment Letter #2 from Jess Torres

Torres #2

01-09-87

MS. LEAH ROSASCO,
RE: BOHEMIA PROJECT

1. A MORE DETAILED MAP OF THE CHANGES ON HWY. 49 AND LUTHER ROAD IS NEEDED. (ON THE SCREEN.) 1
2. THE DESIGNATION (LOS) F ON HWY. 49 AND LUTHER ROAD IS MISLEADING. THE TRAFFIC HAS BEEN (LOS) F FOR YEARS. PLEASE STATE THE TRAFFIC IN PERCENT. IT WILL GO FROM 100% (SATURATED) TO WHAT PERCENT WHEN THE 1162 PROJECT TRIPS ARE ADDED TO THE TRAFFIC FLOW. 2
3. THE LEFT TURN LANE FROM LUTHER ROAD ONTO CANAL STREET, GOING NORTH, WILL HAVE TO BE EXTENDED. THE LANE WILL THEN START ON THE CANAL BRIDGE. IT PLUS THE TWO TRAFFIC LANES WILL MAKE A DANGEROUS SITUATION. THE BRIDGE SHOULD BE WIDENED AND LUTHER ROAD WIDENED TO THE TOP OF THE HILL. WILL YOUR DEPARTMENT RECOMMEND THIS? 3
4. WHEN WILL THE STORM DRAIN ENGINEERING MAP RELATING TO THE NORTHEAST CORNER OF CANAL STREET AND IRIN STREET BE AVAILABLE!

SINCERELY
JESS TORRES 885-6248

Response to Comments from Jesse Torres, Letter #2

Comment 1 Response: The commenter requested a detailed map of changes on SR 49 and Luther Road. These are available for review at the County Public Works Department.

Comment 2 Response: The comment suggests that the LOS F designation at the Luther Road/Highway 49 intersection is misleading, since this is a long-term problem that will only be exacerbated by the proposed project. The following table provides the increase in both traffic and V/C due to the addition of project traffic when compared to the respective no project conditions.

Roadway Segment	Short Term Conditions (addition of project traffic)		Cumulative Conditions (addition of project traffic)	
	% Increase in Traffic	Increase in V/C	% Increase in Traffic	Increase in V/C
Luther Road – West of SR 49	7.2	0.06	5.9	0.06
SR 49 – south of Luther Road	0.9	0.01	0.8	0.01
SR 49 – north of Luther Road	0.5	0.01	0.4	0.01
SR 49 – north of New Airport Road	0.5	0.01	0.4	0.01

Notes – V/C = Volumes to Capacity Ratio

Comment 3 Response: The comment suggests that the left-turn lane from Luther Road onto Canal Street will need to be extended as a result of the proposed project. Also, Luther Road and the bridge will need to be widened. The eastbound left 95th percentile queue for Cumulative Plus Project conditions (worse case) is projected to be 175 feet. The existing pocket length is ±135 feet (measured from aerials). However, there is ±120 feet striped median on Luther Road between the eastbound left turn onto Canal Street and the westbound left lane into the Maita's entrance. Thus, the eastbound left turn pocket could be extended by another 40 feet to accommodate the projected 95th percentile queue length. This would reduce the striped median with to ±80 feet, which falls within the current industry standards (60 feet to 120 feet) for a similar facility.

2.2.3 Comment Letter from Christina Manis

Manis

RECEIVED

JAN 10 2007

ENVIRONMENTAL COORDINATION SERVICES

Christina Manis
3527 Galena Drive #4
Auburn, Ca 95602
(916) 532-6305

Re: Bohemia Subdivision

As a nurse it is inherent that I protect the public from health issues, ensure their safety as well as care for them. I am an individual that has devoted her life to caring, protecting and healing the public, therefore I find it necessary to confront your proposed plan at the Bohemia Subdivision. It is my job to see that people are safe and I don't see safety as being an issue in this plan. The first concern is the amount of motor vehicle traffics already in the area and the increase of this traffic. The intersections of Bell Rd and Highway 49 and Luther Rd at Highway 49 are two of the most dangerous intersections in North Auburn. Everyday I see people running red lights; traffic stopped in the intersection and road raged drivers. I have witnessed the elderly and disabled either hit or nearly hit by drivers trying to get through a light. Working in a trauma center I provide care for the many motor vehicle and motorcycle accidents victims of Highway 49. I myself have almost become a victim when time I'm riding my bike or walking through the Bell Rd and Highway 49 intersections. My biggest worry is with the new proposed 257 new homes in the North Auburn area between Luther and Bell Rd. This does not include the commercial use projects in that same area, all of which are going to compound an already problematic traffic issue.

1

3.2 Air Quality

Incongruities that I have found within the air quality and biological resources are included in the following.

In the air quality report section 3.2-14 states that, "development of the project would also result in an increase in mobile source emissions from vehicle trips by residents of and visitors to the project site. Landscape maintenance equipment and heating/cooling systems of project operations would also cause air pollutant emissions." While in section 3.2-15 it states that, "residents, once developed, are not known to produce substantial concentrations of air pollutants..." It is known that indeed this residential area once developed will send more air pollutants into the surrounding area.

2

Another area of concern is the pounds per day of ROG that would go beyond the allotted amount. The threshold for Placer County is 82lbs/day and with the new development this number reaches 87lbs/day in section 3.2-14. This is considered to be potentially significant and even more so when you are dealing with sensitive

3

Bohemia Subdivision

age groups that will be affected by this concentration.

In section 3.2-16 it explains the localized carbon monoxide concentrations and how that would affect the surrounding area. It states that this emission is both on a mass base and localized. The intersection of Highway 49 and Luther Rd are already heavily impacted by traffic and of course idling vehicles. Therefore, I find this to be a concern that the health of the residents near the project will be compromised because this emission can, "accumulate and adversely impact the health of receptors that are located within 100 ft of an intersection" Section 3.2-16.

4

Lastly, an item of grave concern is the amount of asbestos that is going to be released into the environment once the construction activities commence. It is well known that the foothills are full of asbestos and that those fibers when released into the environment are toxic. It is stated that the current residents as close as up to 30 ft will be effected from the grading and construction thereby releasing and increasing airborne pollutant concentrations as well as the likely release of asbestos. This would be harmful if not detrimental to those individuals who already suffer from compromised health issues or those who don't and now would.

5

3.3 Biological Resources

Wild life section 3.3-7

"Blue oak woodlands and non-native annual grasslands at the project site provide foraging and nesting opportunities for several wildlife species of concern." The wildlife of concern includes raptors and bird species including, Cooper's hawk, Red-tailed hawk, Red-shouldered hawk, White-tailed kite, American kestrel, Golden eagle, Western burrowing owl, Purple martin, Horned lark and the Yellow warbler. All of which are species listed as "species of special concern" per the state that in turn use this area for nesting and foraging.

6

Due to urban development and agriculture it has taken a toll on oaks trees. One of which is the Blue Oak that is considered a heritage tree due to the size, age, cultural value and historic value. The other two species of oak trees that occupy this land are the interior live oak and the valley oak. Because of the slow growing nature of these trees it is especially important that these large sized trees are protected.

The study concluded that there were a total of, "56 oak and heritage trees on the project site" the remaining trees of other species were not included in this number. 4 of these trees have a diameter at breast height of 30 inches or greater and all are in good condition. The study neglected to include all trees on the premises and in turn this information is invalid and inconclusive because there would be many more trees than the figure of 56 destroyed. While replacing the trees that are cut may be apart of the solution in the mitigation, it provides a false sense of a solution when dealing with the problem. The trees that are going to be lost are those older growth larger diameter trees that are of high preservation value and are those trees that fall under the Placer County Tree Preservation Ordinance.

7

Bohemia Subdivision

It states in section 3.3-14 that the purpose of the ordinance is to protect these trees and it is highly recommended by the committee that this be carried out. The trees that both fall under this ordinance and that are located on the project site include the heritage trees, trees that are 6 inches or greater in diameter. The trees on this location site are in fact 6 inches or more in diameter.

7
(Cont.)

The biological report is both outdated and demonstrates a number of incongruities. I am requesting that the arborist report be done sooner than 7 years (report was completed in June 2000) and that the company that performs the inspection not be affiliated with a construction company (Yamasaki Landscape Architecture Planning and Construction) this leads to partisan information that may not be accurately reported in favor of the developer.

In section 3.3-2 the report states that, "special-status species are those species that have been listed as threatened or endangered under Federal Endangered Species Act, California Endangered Species Act, or are of concern to state or federal resource agencies or private conservation groups." The findings in section 3.3-7 concluded that the raptors and other birds were in fact special-status species by the state. The report goes on to state that in section 3.2-7 that, "no state or federally listed threatened or endangered animal species are expected to occur on the project site. In section 3.3-13 under regulations it clearly states that the Federal Endangered Species Act, "protects plants and wildlife that are listed by the federal government as "threatened" or "endangered" the wildlife and plants that are listed as special species fall under this regulation prohibiting the "taking" of them by "all persons". So clearly this project would not only break regulations but also destroy the special status that these species are granted by law.

8

The wetland report was performed in November of 2000, 7 years ago and I feel that that this report needs to be more up to date. There is a seasonal wetland located on the project site. Obviously there are regulatory actions that are required when destroying wetlands as section 3.3-13 describes. However, my concern is that it is apart of the Auburn/Bowman Community Plan policy to support the "no net loss" policy for wetland areas. It is also a policy to minimize and avoid disturbing natural terrain and vegetation in the design of any developmental project. Obviously removing a 2,100 square feet area of wetlands is contrary to this ordinance in the plan policy of Auburn/Bowman. It is stated in section 3.3-19 that, "project development will fill the seasonal wetland resulting in an impact to the 0.05 acre area." This is significant because it conflicts with the provisions of this.

9

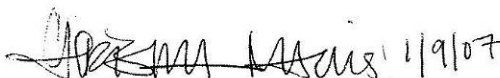
So it is with great concern that I urge the representatives of my community to represent my voice. Please pursue a no development alternative. Although a majority of these cites are items that are not necessarily enlisted as endangered they are however state listed species of special concern. Therefore to disregard these species by not protecting them then they will inevitably end up on the endangered species list. Why not prevent that from happening and keeping such species around for our children to enjoy in person and not by photograph?

10

Bohemia Subdivision

Both the bird species and plants (trees) serve a special purpose to our community. The birds are what make Auburn a bird sanctuary and the trees assist in both providing people clean air to breath as well as homes for theses birds. The seasonal wetlands provide water purification and help to control unintended flooding in the area as well as a habitat for an array of species. In closing I ask myself where have our morals and values gone as both a society and a community. When will we as a community look forward past the financial of gains to the environmental and public health gains instead? What kind of role models are we to our future generation when we disregard the health and lively hood of our public health and that of the environment.

Sincerely, Christina Manis RN-BSN, AS-NS, AS-B

A handwritten signature in black ink, appearing to read 'Christina Manis', followed by the date '1/9/07'.

Response to Comments from Christine Manis

Comment 1 Response: The commenter's concerns about traffic safety in the area, and particularly at the intersections of Bell Road and Luther Road with Highway 49, are noted. EIR Section 3.11 contains a detailed description of existing traffic conditions and future conditions at area intersections, using Level of Service as the method of measurement. The EIR describes the contribution traffic from the proposed project would make to congestion at these intersections. Thresholds of significance described in the EIR provide the method of determining when an impact would occur. Where impacts are potentially significant, mitigation measures that address the proposed project proportional contribution to the impact are recommended.

The EIR does not specifically use traffic accident data as a method of determining project impact; however, it does attempt to identify roadways and intersections that may be hazardous due to design. The high accident rate at the referenced intersections may be due to a variety of factors.

Comment 2 Response: The commenter refers to the following sentence from EIR Section 3.2 Air Quality: "Residences, once developed, are not known to produce substantial concentrations of air pollutants that would adversely affect adjacent land uses." This statement is not intended to suggest that future residents of the proposed project will not generate air emissions; rather, the statement is intended to state that the proposed residents can be expected to generate emissions at a level similar to other residents in the region. While resident's activities can be expected to result in emissions from a number of sources (e.g., vehicles and gas-powered landscape equipment), only projected vehicle trips - and corresponding exhaust emissions - can be measured with any degree of accuracy.

Comment 3 Response: The commenter suggests that reactive organic gasses (ROG) resulting from the proposed project will exceed air district standards. The proposed project is not expected to exceed the County standard of 82 pounds of reactive organic gasses (ROG).

Comment 4 Response: The commenter suggests that carbon monoxide concentrations, especially at busy intersections, will cause a human health risk. Higher concentrations of carbon monoxide, a vehicle emission, can be expected at locations where vehicles linger, such as in parking garages and at stop signs and intersections. The traffic volumes associated with the project are not expected to result in high carbon monoxide concentrations in the area.

Comment 5 Response: This comment expresses concern about the health hazard posed by serpentine rock that has been observed at the site. Section 3.2 Air Quality indicates that serpentine rock, a potential source of asbestos, has been observed at the site. A mitigation measure is included that reduces the potential health hazard of airborne asbestos to a level that is less than significant. This approach to mitigation has been accepted by the County and others as a sufficient means of reducing health risk.

Comment 6 Response: This comment expresses concern about impact of the project on potentially-occurring bird species. EIR Section 3.3 Biological Resources contains a thorough description of special-status plant and animal species that have a potential to be present on the site. Although the site was previously developed, because the site contains natural features, including oak trees and foraging habit, there is a potential for certain species to be present.

Accordingly, the EIR contains mitigation measures to protect potentially-occurring special-status species. The project, therefore, will not have an impact on special-status species, including the birds mentioned in the commenter's letter.

Comment 7 Response: This comment expresses concern about loss of oak and heritage trees as a result of project development. EIR Section 3.3 Biological Resources contains an extensive assessment of trees on the site that is based on a licensed arborist report, and describes those trees, including oaks, that will be removed or otherwise impacted as a result of the proposed project. The EIR includes mitigation measures that provide compensation for impacted trees in accordance with the Placer County Tree Preservation Ordinance. Therefore, all potential impacts to trees will be mitigated to a less-than-significant level.

Comment 8 Response: This comment raises concern about the potential impact of project development on special-status species. See response to Manis Comment 6.

Comment 9 Response: This comment raises concern about the potential impact of project development on wetland resources. EIR Section 3.3 Biological Resources contains an extensive assessment of wetlands on the site and the potential impact of the proposed project on this resource. Through mitigation measures that are consistent with County and federal standards the impact will be mitigated to a less-than-significant level.

Comment 10 Response: The commenter's recommendation that the site not be developed is noted. However, the site was formerly developed, is surrounded by developed and developing land, and is designated in County land use plans for development.

2.2.4 Comment Letter PG&E #1 from Jeremy Nickel, PG&E

PG&E #1

Page 1

Maywan Krach - Fwd: Plan Reviews

From: Planning
To: Edzards, Julie; Fisch, Alexander; Fleming, Gina; Heckert, Kathi; Krach, Maywan
Date: 12/7/2006 4:08:00 PM
Subject: Fwd: Plan Reviews

>>> "Nickel, Jeremy E" <JEN8@pge.com> 12/4/2006 2:21 PM >>>
Pacific Gas and Electric Company
Land Services Office
343 Sacramento Street
Auburn, CA 95603

December 4, 2006

Placer County Planning Department
3091 County Center Drive, Suite 140
Auburn, CA 95603

RE: Project Plan Reviews:

Dear Placer County Planning Department:

PG&E has reviewed the projects listed below and has the following comments:

PMPCT20060840, Randy Denniston, APN 063-021-061; No Comment

PVAAT20060831, Jacqueline Futch, APN 073-140-081; No Comment

PVAAT20060710, Sue Fisher, APN 047-042-002; No Comment

PVAAT20060835, Petra Wutzke, APN 037-280-003; No Comment

PEIRT20050174, Bohemia Subdivision, APN 052-102-012,013,017,025; PG&E's review of the potential impact this project will/may have on the Wise Canal is ongoing. PG&E has provided comments to the County and Developer earlier in the review process, and continues to address these various concerns, with no resolution to date. PG&E will be sure to copy the County Planning Department with any additional written correspondence to the Developer regarding our concerns. Until a "No Objection" letter regarding this project is issued by PG&E's Land Services Department, the County should assume that PG&E's canal safety, reliability and water quality issues are outstanding regarding this project.

1

PCPMT20060524, Jeffrey Fisher, APN 029-110-002; No Comment

PVAAT20060640, Kelly Anderson, APN 468-060-033; No Comment

PARPT20040529, Grosser, APN 062-010-011; No Objection, based on plans provided.

PVAAT20060511, O'Flanagan-Gorre, APN 075-160-057; No Comment

PCELT20060821, Nextel Stonebriar, APN 023-260-026; No Comment

PMPBT20060829, Dono dal Cielo Vineyard LLC, APN 031-320-043; No Comment

PMPBT20060830, Quarry Pond Shopping Center, APN 048-083-024; No Comment

Response to Comments from Jeremy Nickel, PG&E Letter #1

Comment 1 Response: The commenter's concern for potential impacts of the proposed project on Wise Canal are noted. This communication indicates that more comprehensive comments on this issue will be contained in a subsequent communication. See responses to comments contained in the January 11, 2007 letter from Robert Steigmeyer.

2.2.5 Comment Letter #2a, (e-mail) from Robert Steigmeyer, PG&E

PG&E #2a

Maywan Krach - Fwd: RE: Bohemia Subdivision

Page 1

From: Leah Rosasco
To: Maywan Krach
Date: 12/14/2006 10:17:43 AM
Subject: Fwd: RE: Bohemia Subdivision

Additional comments from PG&E...

Thanks,
Leah

Leah Rosasco
Senior Planner
3091 County Center Drive
Suite 140
Auburn, CA 95603
530-745-3000
530-745-3080 (Fax)
www.placer.ca.gov

>>> "Steigmeyer, Robert" <RLSz@pge.com> 12/14/2006 8:05 AM >>>
Leah,
I appreciate your assistance in ensuring PG&E's concerns are recognized.
In this case, I was wondering if you could advise me on how to best
obtain results of any review of the project drainage study/plan, made by
the County. I'm assuming the County plan check group must make a
thorough review of this information. Are these results public record?
PG&E's engineering staff has expressed concern regarding the
completeness and accuracy of this study and recognize the project site
hydrology presents a significant engineering challenge. We would rather
not get too deeply involved in checking this developer's study, but are
willing to have an independent consultant perform a complete review if
necessary.
This is above and beyond what we normally feel is necessary, but in this
case, feel the additional expense and effort are warranted.
Any defect in the storm drain plan at this site would likely result in
the potentially dangerous and illegal discharge of uncontrolled and
polluted runoff into the Wise Canal.
In the interest of clean drinking water and public safety, PG&E cannot
accept risk of this nature.
Thanks,
Robert

1

-----Original Message-----
From: Leah Rosasco [mailto:irosasco@placer.ca.gov]
Sent: Wednesday, December 13, 2006 3:56 PM
To: Steigmeyer, Robert
Subject: Re: Bohemia Subdivision

Robert,

I have forwarded your comments to Maywan Krach in our Environmental
Coordination Services division to be included with all of the comments
received during the Draft EIR review period.

Response to Comments from Robert Steigmeyer, PG&E Letter #2a

Comment 1 Response: The commenter's concern for potential impacts of the proposed project on Wise Canal are noted. See responses to comments contained in the January 11, 2007 letter from Robert Steigmeyer.

2.2.6 Comment Letter #2b, (e-mail) from Robert Steigmeyer, PG&E

PG&E #2b

Maywan Krach - Fwd: RE: Bohemia Subdivision

Let me know if you have any questions.

Thanks,
Leah

Leah Rosasco
Senior Planner
3091 County Center Drive
Suite 140
Auburn, CA 95603
530-745-3000
530-745-3080 (Fax)
www.placer.ca.gov

>>> "Steigmeyer, Robert" <RLSz@pge.com> 12/13/2006 3:05 PM >>>

Dear Leah,
PG&E's review of the subject project regarding protection of the Wise Canal and associated fee lands is ongoing.
In general, PG&E is of the opinion that the stormdrain detention basin, related underground stormdrain infrastructure and the tot lot all constitute structures that create potential conflict with the existing canal and should therefore be restricted from within the 100 ft. setback area.

Of primary concern to PG&E is the potential for contamination to, and possible failure of, the Wise Canal as caused by overtopping of the detention pond, and related project stormwater runoff, during a major storm event. This concern is exacerbated by the fact that the waters from the Fiddler Green canal are intended to flow into the basin in the event of a blockage at the upstream, (northerly) end of the proposed pipe, (encased canal).

From the latest round of DEIR review and comments, (Appendix A), it appears others share PG&E's concerns regarding content of the Fiddler Green Subdivision Drainage Study dated March 2005. Please see letters from:

- * State of California Department of Transportation dated March 2005
- * Placer County Flood Control District dated May 2005.
- * Placer County Department of Facility Services dated May 2005
- * Placer County Water Agency dated May 2005

PG&E respectfully request a copy of the results from Placer County's design review of the project drainage study.

Thank you for your assistance in this matter. Please contact me with any questions.

Sincerely,
Robert Steigmeyer
Land Planner, Hydro Support
5555 Florin Perkins Road

Response to Comments from Robert Steigmeyer, PG&E Letter #2b

Comment 1 Response: The commenter's concern for potential impacts of the proposed project on Wise Canal are noted. See responses to comments contained in the January 11, 2007 letter from Robert Steigmeyer.

Comment 2 Response: The commenter's concern for potential impacts of the proposed project on Wise Canal are noted. See responses to comments contained in the January 11, 2007 letter from Robert Steigmeyer.

2.2.7 Comment Letter #3 from Robert Steigmeyer, PG&E

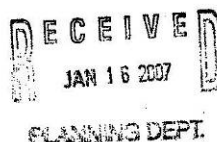
PG&E #3



Technical and Land Services
Hydro Support
Phone: (916) 386-5091
rtaz@pge.com

5555 Florin Perkins Road
Sacramento, CA 95826
Fax: (916) 386-5388

Placer County
Planning Department
Environmental Health Division
Attn.: Leah Rosasco
3091 County Center Drive, Suite 190
Auburn, CA 95603



January 11, 2007

**RE: Comments on Draft Environmental Impact Report – Bohemia Subdivision,
PEIRT 20050174**

Dear Ms. Rosasco:

Thank you for the opportunity to review and comment on the Bohemia Subdivision project, (Project). PG&E owns and operates the Wise Canal and associate fee property, (Canal Lands), which bounds this Project on three sides, namely the projects westerly, southerly and southeasterly boundaries. In addition to the electric generation aspect of the Wise Canal, the canal waters are a major source of domestic water supply for the City of Auburn and County of Placer by virtue of certain water contracts with the Placer County Water Agency, (PCWA), and the Nevada Irrigation District, (NID).

PG&E was the former owner of the portion of the Project property that abuts said Canal Lands, namely Project APN 052-102-017. PG&E originally transferred this parcel to Simplot Industries Incorporated by grant deed dated September 9, 1969 which is recorded in Book 1267 of Official Records at page 84, Placer County Records. Included within said grant deed are certain reservations, covenants and agrees that run with the land and are now the obligation of the Project. A copy of said grant is attached here for reference and convenience.

Included in the covenants and agrees are the following conditions that must be recognized and upheld by the Project. Other covenants not listed here may also apply:

- Section (2) on page 7 obligates the Project to maintain the existing fence, or similar, along the common boundary between the Project and Canal Lands. The intent is to protect the general public from intentional or accidental access to the Canal Lands which is inherently dangerous due to the canal feature and its cold, swift waters.
- Sections (3) and (4) on page 7 obligates the Project to maintain all existing gates in the existing boundary fence, and further provides the right for PG&E to install additional gates for continued access from the Project onto the Canal Lands as desired by PG&E.
- Section (7) on page 8 obligates the Project to not cause any pollution, contamination or obstruction of the waters of the Wise Canal. In the event such pollution, contamination or obstruction should take place, upon receipt by PG&E, the Project shall eliminate the cause of said pollution, contamination or obstruction at its sole cost and expense.

Placer County
Planning Department
Page 2

- Section (8) on page 8 indemnifies PG&E and holds it harmless from any and all loss, damage, and liability for damages, whether for damage to or loss of property, or injury to or death of person, which shall in any way arise out of or be connected with leaks, breaks, seepage and drainage from the Wise Canal onto the portion of the Project that abuts the Canal Lands.

1
(Cont)

PG&E is of the opinion that the County's 100 foot Watercourse Setback Ordinance should apply to all Project features as opposed to only those that trigger a building permit. Project features such as the stormwater detention basin, tot lot and certain other underground facilities such as the sewer and storm drain systems are all incompatible uses of the Project lands when placed directly adjacent to the canal and create the potential for issues related to public safety, canal integrity and water quality.

2

PG&E is especially concerned by Project's site drainage design and has requested detailed drainage study information from the Project in an attempt to better understand the intended design and potential impacts to the Wise Canal. To this date, the design information provided would not adequately protect the Wise Canal from the possibility of pollution, contamination and uncontrolled additional flows (storm water) that create serious public safety concerns and are therefore unacceptable.

3

Per PG&E's review of the Project drainage study, the following information is necessary to properly evaluate the potential impacts to Wise Canal caused by storm water and by partial or complete blockage of PCWA's Fiddler Green Canal:

- Identify and provide data on all areas in the Drainage Study that contribute storm water to the Project site. Specifically include basin D from the northeast, surface runoff from Canal Street, and the 18" storm drain entering the property from the southeast.
- Identify pre-project and post-project flows from all contributing areas following Placer County Storm Water Management Manual guidelines.
- Identify inflow and outflow from the proposed detention basin based on conditions stated in the Placer County Storm Water Management Manual.
- Demonstrate that in a storm event and/or complete blockage of Fiddler Green Canal the water entering the detention basin can safely be transported offsite and not cause overtopping of the basin, thus entering the Wise Canal.
- Demonstrate that the storm water basin, storm water facilities, and storm water piping are adequately sized to ensure no project drainage enters Wise Canal.

4

Since the Wise Canal is a feature of the overall Federal Energy Regulatory Commission (FERC) Project No. 2310 which grants license to PG&E for the generation of electricity intended for use by the general public, the canal is contained by a project boundary that extends 75 feet from each side of the existing canal centerline. As a condition of said license, PG&E is obligated to notify and seek approval from FERC whenever significant improvements or earth disturbing activity occurs within the FERC boundary. The approval process can only begin upon submittal of approved plans and can involve up to 60 days. It would be inappropriate for PG&E to seek FERC approval in a situation where PG&E itself did not approve of such situation.

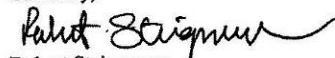
5

Placer County
Planning Department
Page 3

Final conditions of approval for this project must include the provision that proponents of the Project obtain a letter of no-objection from PG&E regarding the concerns listed above and/or for any development within the 100 foot wide watercourse setback area, the 75 foot wide FERC project boundary or that involves APN 052-102-017. Please feel free to contact me with any questions or updates.

6

Sincerely,



Robert Steigmeyer
Land Planner
916/386-5091
rlsz@pge.com

2113-08-1360

AFTER RECORDING, RETURN TO:

FOR RECORDER'S USE ONLY

Recorded 10-27-69 in Vol.
1267, page 84, in Official
Records of Placer County.

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific, hereby grants to SIMPLOT INDUSTRIES INCORPORATED, a Utah corporation, hereinafter called Simplot, the real property, situate in the County of Placer, State of California, described as follows:

PARCEL I. The 4.52 acre parcel of land, situate in Section 33, Township 13 North, Range 8 East, M.D.B. & M., conveyed by H. T. Dyer and wife to Pacific Gas and Electric Company by deed dated June 16, 1917 and recorded in the office of the County Recorder of said County of Placer in Book 170 of Deeds at page 199; excepting therefrom the 1.339 acre parcel of land bounded by the line consisting of twenty-three (23) courses and described as beginning at a point in the southerly boundary line of the northwest quarter of the southeast quarter of said Section 33 and running thence

- (1) north 1° 11' 20" east 25 feet, more or less, to a point which bears north 6° 38' 00" east 1375.86 feet from the 1-inch steel pin (with punch hole) marking the south quarter corner of said Section 33;

said point being a point in the existing fence, extending along the westerly side of Pacific Gas and Electric Company's canal traversing said Section 33 and known as Wise Canal; thence along the fence on the westerly side of said Wise Canal the following seven courses,

- (2) north 6° 00' 00" east 229.98 feet,
- (3) north 9° 03' 00" east 89.78 feet,
- (4) north 4° 59' 20" east 67.57 feet,
- (5) north 8° 43' 40" east 13.38 feet,
- (6) north 2° 15' 00" east 60.64 feet,
- (7) north 11° 11' 20" west 9.97 feet, and
- (8) north 2° 46' 40" east 57.31 feet;

thence leaving said fence and running

- (9) north 3° 55' 20" west 38.11 feet to a point herein for convenience called Point "A";

said Point "A" being a point in the fence along the westerly side of said Wise Canal; thence along said fence

-1-

P. G. & E. CO.
COPY

Section 2
Comments and Responses

- (10) north $13^{\circ} 05' 00''$ east 100 feet, more or less, to a point in the southeasterly boundary line of the railroad right of way of the Southern Pacific Company traversing said Section 33;

thence leaving said fence and running along the southeasterly boundary line of said railroad right of way

- (11) northeasterly approximately 115 feet to a point on the face of an existing building located on the easterly side of said Wise Canal;

thence leaving the southeasterly boundary line of said railroad right of way and running along the face of said existing building

- (12) south $5^{\circ} 41' 40''$ west 175 feet, more or less, to a corner of said building;

thence leaving the face of said building and running

- (13) south $5^{\circ} 44' 40''$ west 17.52 feet to a point which bears south $79^{\circ} 38' 00''$ east 81.35 feet distant from said Point "A";

- (14) south $0^{\circ} 57' 40''$ west 59.23 feet to a point in the existing fence extending along the easterly side of said Wise Canal;

thence running along said fence the following four courses

- (15) south $7^{\circ} 06' 20''$ west 116.65 feet,
(16) south $30^{\circ} 38' 20''$ west 8.60 feet,
(17) south $80^{\circ} 50' 20''$ east 16.30 feet, and
(18) south $2^{\circ} 51' 40''$ west 144.03 feet to the corner of an existing building;

thence leaving said fence and running along the face of said building

- (19) south $8^{\circ} 26' 40''$ west 192.34 feet to a corner of said building and the beginning of an existing fence;

thence leaving the face of said building and running along said fence the following two courses;

- (20) south $45^{\circ} 56' 40''$ west 17.08 feet and
(21) south $4^{\circ} 36' 00''$ west 25.21 feet;

thence leaving said fence and running

- (22) south $7^{\circ} 49' 20''$ east 20 feet, more or less, to a point in the southerly boundary line of the northwest quarter of the southeast quarter of said Section 33;

thence along the southerly boundary line of the northwest quarter of the southeast quarter of said Section 33

- (23) westerly approximately 75 feet to the point of beginning.

PARCEL II. The parcel of land, situate in said Section 33, bounded on the southerly side by the southerly boundary line of said Section 33, bounded on the southwesterly side by the northeasterly boundary line of the parcel of land conveyed by Pacific Gas and Electric Company to the State of California by deed dated September 24, 1945 and recorded in the office of said County Recorder in Book 475 of Official Records at page 477, bounded on the northerly side by the northerly boundary lines of the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of said Section 33 and bounded on the easterly side by the line consisting of twenty-three (23) courses and described as beginning at a point in the northerly boundary line of the southwest quarter of the southeast quarter of said Section 33 and running thence

- (1) south 1° 11' 20" west 55 feet, more or less, to a point which bears north 8° 58' 00" east 1296.81 feet from the 1 inch steel pin (with punch hole) marking the south quarter corner of said Section 33;

said point being a point in the existing fence extending along the westerly side of said Wise Canal; thence running along said fence the following six courses,

- (2) south 54° 38' 00" east 14.86 feet,
- (3) south 12° 05' 20" east 53.46 feet,
- (4) south 23° 02' 20" east 9.62 feet,
- (5) south 34° 41' 20" east 39.36 feet,
- (6) south 46° 02' 40" east 28.39 feet and
- (7) south 56° 13' 20" east 78.99 feet to the corner of an existing building;

thence leaving said fence and running along the face of said building

- (8) south 47° 47' 40" east 50.83 feet to a corner of said building and the beginning of a fence extending along the westerly side of said Wise Canal;

thence leaving the face of said building and running along said fence the following two courses,

- (9) south 44° 18' 20" east 165.83 feet and
- (10) south 58° 40' 00" east 109.78 feet;

thence leaving said fence and running

- (11) south 47° 53' 40" east 23.91 feet to the corner of an existing building;

thence running along the face of said building

- (12) south 58° 58' 20" east 130.33 feet to a corner of said building and the beginning of an existing fence extending along the westerly side of said Wise Canal;

thence leaving the face of said building and running along said fence the following ten courses,

- (13) south 81° 49' 40" east 54.96 feet,

Section 2
Comments and Responses

- (14) south 58° 18' 00" east 9.24 feet,
- (15) south 42° 29' 20" east 188.48 feet,
- (16) south 58° 51' 40" east 69.96 feet,
- (17) south 82° 44' 00" east 80.30 feet,
- (18) north 82° 27' 00" east 134.01 feet,
- (19) south 39° 53' 40" east 127.93 feet,
- (20) south 28° 04' 40" west 148.47 feet,
- (21) south 18° 39' 40" west 178.59 feet and
- (22) south 3° 38' 40" east 161.88 feet;

thence leaving said fence and continuing

- (23) south 3° 38' 40" east 77 feet, more or less, to a point in the southerly boundary line of said Section 33.

Containing 17.266 acres and being a portion of the south half of the south half of said Section 33.

PARCEL III. Beginning at an intersection of fences on the easterly side of said Wise Canal from which the 1 inch steel pin (with punch hole) marking the south quarter corner of said Section 33 bears south 38° 51' 40" west 1157.74 feet distant and running thence along the existing fence extending along the easterly side of said Wise Canal

- (1) north 55° 14' 20" west 337.21 feet to the corner of an existing building;

thence leaving said fence and running along the face said existing building

- (2) north 51° 06' 20" west 204.45 feet to a corner of said building and the beginning of an existing fence extending along the easterly side of said Wise Canal;

thence leaving the face of said building and running along said fence the following six courses,

- (3) north 43° 05' 20" west 16.34 feet,
- (4) north 41° 17' 00" west 8.67 feet,
- (5) north 41° 00' 40" west 8.97 feet,
- (6) north 35° 30' 00" west 9.24 feet,
- (7) north 31° 22' 40" west 9.19 feet and
- (8) north 31° 40' 40" west 7.54 feet;

thence leaving said fence and running

- (9) north 7° 49' 20" west 67 feet, more or less, to a point in the northerly boundary line of the southwest quarter of the southeast quarter of said Section 33;

thence running along the northerly boundary line of the southwest quarter of the southeast quarter of said Section 33

- (10) easterly approximately 500 feet to a point which bears north 1° 26' 40" east from the point of beginning;

thence leaving the northerly boundary line of the southwest quarter of the southeast quarter of said Section 33 and running

- (11) south 1° 26' 40" west 435 feet, more or less, to the point of beginning.

Containing 2.882 acres, and being a portion of the southwest quarter of the southeast quarter of said Section 33.

The 1.339 acre parcel of land excepted from the parcel of land hereinbefore described and designated PARCEL I and the lands bounded on the north by the southerly boundary line of said 1.339 acre parcel of land, bounded on the southwest by the northeasterly boundary line of the parcel of land hereinbefore described and designated PARCEL II, bounded on the northeast by the southwesterly boundary line of the parcel of land hereinbefore described and designated PARCEL III and bounded on the east by the southerly prolongation of the easterly boundary line of said parcel of land designated PARCEL III shall hereinafter for convenience be referred to as "canal lands".

Pacific further grants to Simplot, subject to the terms, conditions and covenants hereinafter set forth, the right to maintain and use Simplot's improvements and facilities, or portions thereof, described on EXHIBIT "X" attached hereto and hereby made part hereof, which now exist within the boundary lines of said canal lands; provided, however, that Simplot shall not, without the express written consent of Pacific, replace any improvement or facility, or portion thereof, which is removed or destroyed or change the number or location of said facilities or improvements or change the dimensions thereof so as to increase the area of encroachment within said canal lands.

Pacific also grants to Simplot the right to enter upon said canal lands for the purpose of (a) maintaining and repairing said improvements and facilities, and (b) replacing, reconstructing, maintaining and repairing the existing fence along the boundary lines of said canal lands or constructing new fencing to replace any building or buildings which now form a boundary of said canal lands and may hereafter be removed.

Pacific further grants to Simplot the right to enter upon and to cross over said canal lands for the purpose of providing ingress to and egress from the real property hereby conveyed which lies easterly of said canal lands or any other lands which Simplot now owns, or may hereafter acquire, in the vicinity

of and contiguous to the real property hereby conveyed.

RESERVING to Pacific, its successor and assigns:

(a) the right of ingress to and egress from said canal lands and other lands of Pacific adjacent to the real property hereby conveyed, and any rights of way and easements hereinafter described, by means of roads and lanes on the real property hereby conveyed, if such there be, otherwise by such route or routes over and across the real property hereby conveyed as shall occasion the least practicable damage and inconvenience to Simplot.

(b) the existing facilities for the transmission and distribution of electric energy together with the right to reconstruct, replace, remove, maintain and use said facilities and a right of way there along.

(c) the existing transformers, meters and facilities for transforming, metering and distributing electric energy which are located within the 16 foot by 16 foot area enclosed by a fence and situate within the parcel of land hereinbefore described and designated PARCEL I and westerly of the westerly boundary line of the 1.339 acre parcel of land excepted from said parcel of land designated PARCEL I, together with the right to reconstruct, replace, remove, maintain and use said facilities.

(d) the existing gas transmission facilities together with the right to excavate for, install, replace (of the initial or any other size), maintain and use such pipe lines as Pacific shall from time to time elect for conveying gas, with necessary and proper valves and other appliances and fittings, and devices for controlling electrolysis for use in connection with said pipe lines, and adequate protection therefor, and also a right of way, within the strip of land described as follows:

A strip of land of the uniform width of 10 feet lying contiguous to and northeasterly of the northeasterly boundary line of the parcel of land conveyed by Pacific Gas and Electric Company to the State of California by deed dated September 24, 1945 and recorded in the office of the County Recorder of said County of Placer in Book 475 of Official Records at page 477 and extending from the northerly boundary line of the parcel of land described in the deed from Pacific Gas and Electric Company to the County of Placer dated February 14, 1964 and recorded in the office of said County Recorder in Book 1005 of Official Records at page 265 northeasterly 1075 feet.

Simplot hereby covenants and agrees that:

(1) in the event any building or portion thereof which now forms a boundary of said canal lands is removed or destroyed, to an extent that in the

opinion of Pacific said building, or portion thereof, no longer forms an effective barrier to access to said canal lands, then Simplot shall construct a fence of a type acceptable to Pacific which will coincide with the boundary lines of said canal lands as hereinbefore described and will prevent access to said canal lands;

(2) all fences now existing along the boundaries of said canal lands and the general easterly boundary of said 17.266 acre parcel of land and all bridges crossing over said canal, shall continue to be the property of Simplot and Simplot shall, at its sole cost and expense, maintain said fences and bridges in their present locations and in a good and safe condition;

(3) Simplot shall keep each existing gate, and any gate it may hereafter construct, in the fences along the boundary lines of said canal lands provided with a locking device for the purpose of keeping each gate locked and shall lock the gates on traveling through the passage way thereby provided. The locking device shall contain two locks and Pacific shall have the key to one lock and Simplot the key to the other and unlocking either lock shall permit the opening of the gate;

(4) Pacific shall have the right, from time to time, to install gates equipped with a locking device of the type described in paragraph (3) above at such location or locations as Pacific shall deem necessary and Simplot shall at all times provide and maintain adequate access to all gates in said fences;

(5) Simplot shall block or otherwise obstruct any passage to said canal lands through all buildings which form a boundary of said canal lands and shall not construct any new openings in said buildings which would permit access to said canal lands;

(6) Simplot shall not perform any work within the fenced portions of said canal lands without giving Pacific at least 48 hours notice of Simplot's desire so to do and such work shall be performed in a manner as to cause the least practicable damage to said canal lands and interference with Pacific's operation of said canal; said notice shall be given to Pacific Gas and Electric Company, 343 Sacramento Street, Auburn, California, Attention: Superintendent Hydro Production, Telephone 885-2431;

(7) Simplot shall conduct all operations on the real property hereby conveyed, and agree to conduct all operations on other lands which Simplot now owns or may hereafter acquire in the vicinity of and contiguous to said real property, so as not to cause any pollution, contamination, or obstruction of the water in said canal. In the event any such pollution, contamination or obstruction shall result from or be caused by Simplot's operations then Simplot shall, upon receipt of notice from Pacific so to do and at its sole cost and expense, eliminate the cause or causes of such pollution, contamination or obstruction; and

(8) Simplot shall indemnify Pacific against and hold it harmless from any and all loss, damage, and liability for damages, whether for damage to or loss of property, or injury to or death of person, which shall in any way arise out of or be connected with Simplot's operations on said canal land, and shall further indemnify Pacific against and hold it harmless from all damage or liability for damage, whether for damage to loss of property, or injury to or death of person, which shall arise out of or be connected with leaks, breaks, seepage and drainage from said Wise Canal and from Pacific's Middle Fiddler Green Canal situated on lands of Simplot adjacent to the real property hereby conveyed.

As a condition to this grant Simplot has installed certain drains to prevent drain and runoff waters from its mill and lumber stockpiles from entering said Wise Canal and without limiting the generality of the foregoing terms and conditions Simplot agrees that Simplot will, at Simplot's sole cost and expense, maintain said drains, keep them free and clear of all debris and upon request from Pacific so to do replace said drains.

The real property hereby conveyed is no longer necessary or useful to Pacific in the performance by it of its duties to the public.

The provisions hereof shall inure to the benefit of and bind the successors

and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF Pacific has executed these presents this 9th day of September, 1969.

APPROVED BY EXECUTIVE COMMITTEE
4-1-69 W.B. Allison
Assistant Secretary

PACIFIC GAS AND ELECTRIC COMPANY

By [Signature]
Its Vice-President-Personnel and General Services
Attest W.B. Allison
Assistant Secretary

SIMPLOT INDUSTRIES INCORPORATED hereby accepts the foregoing grant subject to the terms and conditions therein and agrees to all the covenants therein set forth.

SIMPLOT INDUSTRIES INCORPORATED

By [Signature]
Its President
And By [Signature]
Its Secretary

APPROVED [Signature]
Division Manager

APPROVED BY [Signature]
Vice President - Engineer

APPROVED [Signature]
VICE PRES. - ELEC. OPER.

APPROVED
[Signature]
ELK RIVER LAND DEPT.

-9-

Section 2
Comments and Responses

99-1003 9-69 INCORPORATION IDAHO
STATE OF ~~KENTUCKY~~
County of Ada ss.
On this 2nd day of September, in the year 1969, before me, Doris J. Alsbaugh
a Notary Public in and for the said Ada County, duly commissioned and sworn, personally appeared
John M. Dahl
known to me to be the Vice President
of the corporation that executed the within instrument, and to be the person who executed the
said instrument on behalf of said corporation therein named, and acknowledged to me that such
corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of
directors.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in
the County of Ada, the day and
year in this certificate first above written.
Doris J. Alsbaugh
Idaho
Notary Public in and for the County of Ada, State of ~~Kentucky~~
My Commission Expires April 22, 1970

99-1003 9-69 INCORPORATION
STATE OF CALIFORNIA ss.
City and County of San Francisco
On this 12th day of September, in the year 1969, before me, Lucille Mullen
a Notary Public in and for the said San Francisco City and County, duly commissioned and sworn, personally appeared
J. G. Smith and D. B. Allison
known to me to be the Vice President-Personnel and General Services and the Assistant Secretary, respectively,
of the corporation that executed the within instrument, and to be the person who executed the
said instrument on behalf of said corporation therein named, and acknowledged to me that such
corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of
directors.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in
the City and County of San Francisco, the day and
year in this certificate first above written.
Lucille Mullen
Lucille Mullen
Notary Public in and for the City and County of San Francisco, State of California
My Commission Expires January 23, 1971

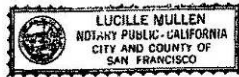


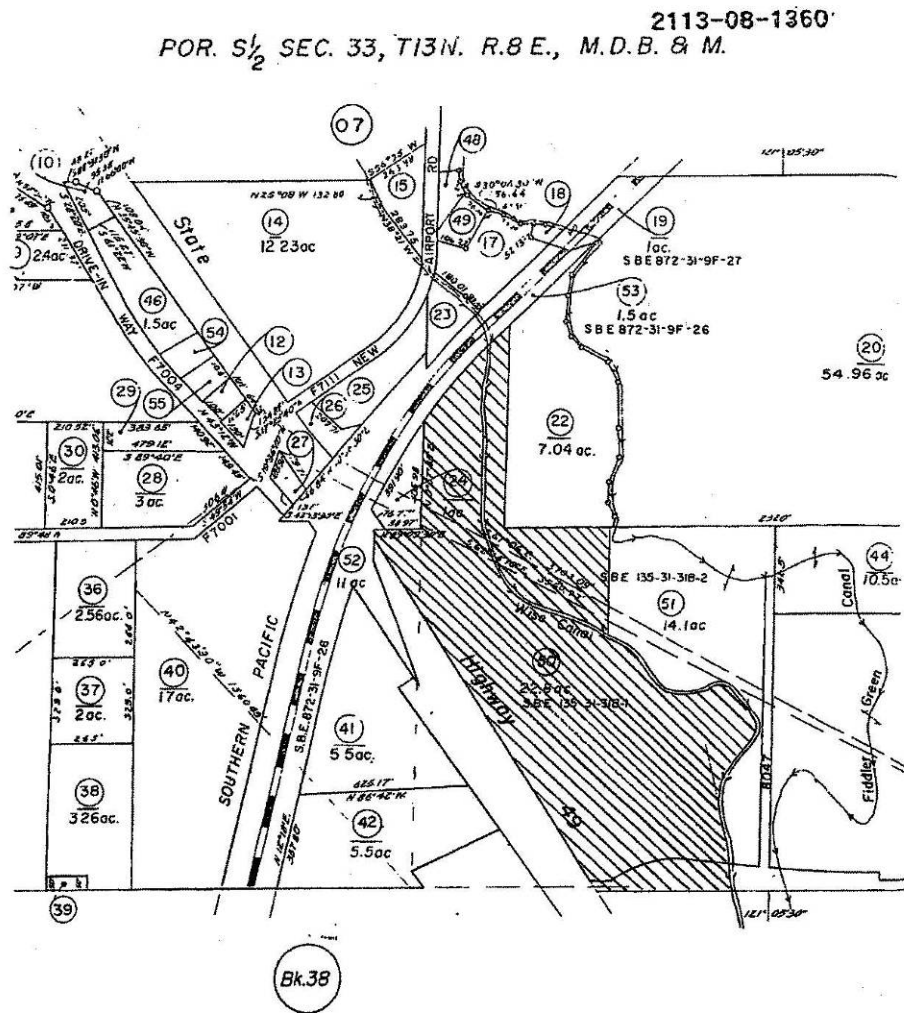
EXHIBIT "X"

Attached to the deed from Pacific Gas and Electric Company to Simplot Industries Incorporated for the purpose of enumerating facilities and improvements of Simplot's which exist within the lands retained by Pacific for its Wise Canal.

I. Portions of existing buildings, building foundations, and roof eaves now existing within said canal lands.

II. The improvements and facilities located by reference to stations along a line which begins at a Pacific Gas and Electric Company marker at the downstream end of the Wise Canal culvert under the Southern Pacific Railroad and traverses downstream along the westerly side of said canal as follows:

<u>STATION</u>	<u>FACILITY OR IMPROVEMENT</u>
0 + 45	12 inch drain pipe extending across said canal.
1 + 59	12 inch drain pipe extending across said canal.
1 + 72	12 inch water pipe extending across said canal
1 + 89	Center line of concrete bridge across said canal 16 feet wide and 41 feet long.
2 + 17	At 14 feet from fence on westerly side of canal there are anchors for guy wires which extend across said canal to a smoke stack on the real property conveyed.
2 + 40	On westerly side of said canal the anchor for a 25' guy wire to support a pole located inside fence on westerly side of canal at station 2 + 58.
2 + 50	Canal center line crossing of overhead sawdust conveyor and all supports necessary thereto. Conveyor 30 feet above ground.
2 + 58	Pole located inside fence on westerly side of canal.
2 + 80	On westerly side of canal another anchor for guy wire from pole at station 2 + 58.
3 + 16	Canal center line crossing of overhead sawdust conveyor and all supports necessary thereto. Conveyor 40 feet above ground.



Assess
Cc

NOTE - ASSESSOR'S BLOCK
& LOT NUMBERS
SHOWN IN CIRCLES

Response to Comments from Robert Steigmeyer, PG&E Letter #3

Comment 1 Response: The commenter's explanation of its past ownership of and continuing easement rights over portions of the project site are noted. Issues addressed and conditions contained in the grant deed do not raise environmental issues requiring response.

Comment 2 Response: This comment expresses concern about the proximity of recreational facilities to the Wise Canal and potential impacts on public safety, canal integrity, and water quality. The basketball hoop and play structure that are proposed within Lot D are located 60 feet and 73 feet from the centerline of the Wise Canal respectively. PG&E states that they are of the opinion that the tot lot constitutes a structure that creates a potential conflict with the existing canal and should therefore be located outside the 100 foot setback; however, they cite their primary concern as contamination to and failure of the canal as a result of improvements unrelated to any structures within the tot lot. Although PG&E does not state that they are concerned that structures in the tot lot will actually cause contamination to or failure of the canal, in order to ensure that the canal is not impacted by contamination from uses on the tot lot, all drainage from the tot lot will be directed away from the canal. This should reduce any water quality impacts resulting from the location of the basketball hoop and play structure to less than significant. While the structures located in the tot lot would not create a significant impact on water quality or canal integrity, there is a potential impact regarding public safety. Mitigation Measure SAFE-1 addresses this potential impact by requiring a six-foot high chain link fence be constructed along the perimeter of the canal.

Stormwater detention basins and underground utilities are not considered structures and therefore are not required to meet the County's 100-foot watercourse setback. It is the County's opinion that the construction of these facilities will not create any significant impacts to the canal's structural integrity. Construction of impervious surfaces could also increase the potential of degrading water quality by allowing surface runoff containing pollutants from vehicles, fertilizers, pesticides and herbicides to enter downstream waterways. Implementation of the recommendations contained in the drainage reports, erosion control plans, storm water pollution prevention plan and the National Pollutant Discharge Elimination System program will help reduce the potential impacts to water quality. Furthermore, minimizing impervious surfaces, construction of specially designed catch basins, vaults and filters can reduce the overall potential of water quality impacts to less than significant.

Comment 3 Response: Here and in previous correspondence cited in this Final EIR the commenter expresses concern about potential adverse impacts to Wise Canal from stormwater runoff. The comment is not specific as to whether the concern is focused upon potential construction-related effects or long-term effects once the project is developed and occupied, or both.

EIR Section 3.10 Surface Hydrology and Water Quality contains a lengthy discussion of potential stormwater impacts, including the potential for impacting water within Wise Canal: Impact SHWQ1 addresses potential impacts during site grading and residential construction. Four mitigation measures are recommended to address and fully mitigate the potential impact to a less-than-significant level.

Impact SHWQ 2 addresses the potential for additional impervious surfaces resulting from proposed project development to increase the volume of stormwater runoff leaving the site and

exceed the capacity of conveyance facilities. This impact statement concludes that as a result of detention basins proposed as part of the project and with the implementation of mitigation measures required for Impact SHWQ 1, the potential impact of increased stormwater volume will be less than significant.

Impact SHWQ 3 specifically addresses potential long-term, ongoing stormwater drainage impacts resulting from occupation of the proposed project, including the possibility that household, automotive, and landscape chemicals could be washed offsite. Two additional mitigation measures have been included to address and fully mitigate this potential impact.

Stormwater drainage is also addressed from a cumulative impact perspective in Section 5.0 of the EIR.

Preliminary drainage studies are required during the environmental review process and final drainage reports are required prior to approval of the construction plans. The proposed underground storm drain system will be designed to carry the 10-year storm event from the project site plus the 25-year storm event from Country Club Estates Phase 1. In the event of the 100-year storm event the detention basin will have capacity to handle the peak flows.

It is the EIR author's opinion that Section 3.10 of the EIR fully describes stormwater drainage systems proposed by the applicant and provides a comprehensive description of potential offsite impacts. The EIR proposes five mitigation measures that will become conditions of project implementation. More-detailed information about the proposed storm drainage system, which must comply with mitigation measures in the EIR, will be contained in subdivision improvement plans prepared by a licensed civil engineer that must be reviewed and approved by the County Public Works Department before construction begins. Also, as required by CEQA, the mitigation measures will be subject to the Mitigation Monitoring Program included in the EIR.

Comment 4 Response: PG&E's request for additional information is noted and has been conveyed to the Placer County Public Works Department. Also, see response to Comment 3.

Adequate information has been provided with the preliminary drainage report and in the EIR to determine the potential impacts from this project as measured from baseline (existing) conditions will be less than significant. All tributary areas have been adequately defined with an analysis comparing pre- and post-development flows. Post-development peak flows will be detained to pre- development (base line) conditions. A final and more detailed drainage report will be required to be submitted with the project's construction plans.

Comment 5 Response: Comments concerning the need for PG&E to obtain Federal Energy Regulatory Commission (FERC) approval for projects within 75 feet of the centerline of Wise Canal are noted.

Comment 6 Response: The commenter's statement that the project proponents will need to obtain a letter of "No Objection" from PG&E is noted.

2.2.8 Comment Letter from Greg Baker, United Auburn Indian Community

Auburn Indian Community

				
MIWOK MAIDU	United Auburn Indian Community of the Auburn Rancheria			
JESSICA TAVARES CHAIRPERSON	JULIE HUFF VICE CHAIR	DAVID KEYSER SECRETARY	DOLLY SUEHEAD TREASURER	GENE WHITEHOUSE COUNCIL MEMBER

January 5, 2007

Placer County
Maywan Krach
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Suite 190
Auburn, CA 95603

RECEIVED
JAN 11 2007
ENVIRONMENTAL COORDINATION SERVICES

Subject: Bohemia Subdivision Draft Environmental Impact Report (DEIR)

Dear Ms. Maywan:


Thank you for providing the above referenced document. The United Auburn Indian Community (UAIC) is comprised of Miwok and Maidu people whose traditional homelands include portions of Placer and Nevada counties, as well as some surrounding areas. The Tribe is concerned about development projects within ancestral territory that have potential to impact sites and landscapes that may be of cultural or religious significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

We have reviewed the DEIR and understand that no cultural resources have been identified in the project area. The Tribe supports the proposed mitigation measures for addressing inadvertent discoveries. In the event that previously unidentified prehistoric resources or human remains are found during project implementation, we ask that UAIC be contacted immediately.

1

Thank you for involving the Tribe in the planning process. We look forward to receiving the Final EIR upon its completion. Please contact Shelley McGinnis, Analytical Environmental Services at (916) 447-3479 should you have any questions.

Sincerely,



Greg Baker
Tribal Administrator

CC: Shelley McGinnis, AES

Tribal Office • 575 Menlo Drive, Suite 2 • Rocklin, CA 95765 • (916) 663-3720 • FAX (916) 663-3727

Response to Comments from Greg Baker, Auburn Indian Community

Comment 1 Response: The commenter's acknowledgment of conclusions contained in the Cultural Resources section of the EIR and concurrence with the mitigation measure are noted.

2.2.9 Comment Letter from Bob Justice, Caltrans

From: Bob Justice <bob_justice@dot.ca.gov>
To: <mkrach@placer.ca.gov>
Date: 1/11/2007 10:09:14 AM
Subject: Caltrans Comments on Bohemia Subdivision

Maywan:

Caltrans does not have major comments for the subject project, but we offer the following minor comments, recommendations, etc.

The proposed traffic signal at the Luther Road/Canal Street intersection will be about 700' from the existing signalized intersection at Route 49/Luther Road. This is good spacing, but the County should require that the new signal be coordinated with the existing signal.

1

The six intersections shown on Figure 3.11-2 do not correspond with the five intersections listed and referred to on the following pages. This is confusing and should be corrected. On Figure 3.11-2 the difference in mainline traffic volumes between (1) S.R. 49/New Airport Road [2079 NB, 2055 SB] and (2) S.R. 49/Hulbert Way (North) [2196 NB, 2150 SB] is not a large percentage difference, but should be checked for accuracy.

2

Tables 3.11-1 and 3.11-3 refer to Bolded entries, but none of the entries operating at a deficient LOS are bolded.

3

Please request the project proponents submit future Design Drainage Plans and Project Drainage Reports to the Caltrans Hydrology Office for review and comment prior to final approval of the project. Documents and questions regarding hydraulic issues may be addressed to Mr. Mike DeWall, 703 B Street, Maryville, (530) 741-4056.

Thanks.

Bob Justice
Office of Transportation Planning--East
Caltrans District 3, MS-15
916-274-0616
CALNET 8-436-0616
bob.justice@dot.ca.gov

CC: Marty Earles <marty_earles@dot.ca.gov>, Mike DeWall <mike_dewall@dot.ca.gov>

Response to Comments from Bob Justice, Caltrans (e-mail)

Comment 1 Response: This comment addresses the location and spacing of the proposed traffic signal at the Luther Road/Canal Street intersection with signal at Luther Road/Highway 49, and suggests that the signals be coordinated. The signal at the Luther Road/Canal Street intersection would be coordinated with the SR 49/Luther Road intersection, should the County recommend it.

Comment 2 Response: This comment identifies an error within Section 3.11 of the Draft EIR. Text within Section 3.11 of the EIR has been modified to reflect the change. There is an error in the Figure 3.11-2 and the figure has been revised to reflect the changes. The analysis within the Draft EIR was evaluated with the volumes indicated in the revised figure, so a revised analysis would not be required.

Comment 3 Response: This comment identifies a formatting error in Section 3.11 of the Draft EIR. Text within Section 3.11 of the EIR has been modified to reflect the change.

2.2.10 Comment Letter from Kevin Boles, California Public Utilities Commission

Public Utilities Commission

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

ARNOLD SCHWARZENEGGER, Governor



December 14, 2006

Leah Rosasco
County of Placer
3091 County Center Dr., Ste. 190
Auburn, CA 95603

Dear Ms. Rosasco:

Re: SCH #2005042135; Bohemia Subdivision

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.


Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Of particular concern is the impact from increased traffic on the existing highway-rail at-grade crossing on Luther Road.

1

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,


Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Jim Smith, UP

Response to Comments from Kevin Boles, California Public Utilities Commission

Comment 1 Response: The commenter's concerns for safety issues associated with close proximity of the proposed project to railroad tracks are noted. EIR Section 3.9 Safety, in recognition of this potential safety hazard, contains a mitigation measure requiring the erection of a chain link fence between the railroad right-of-way and the project site. With installation of the fence, the potential impact is reduced to a less-than-significant level.

2.2.11 Comment Letter from Heather Trejo, Placer County Water Agency

Placer County Water Agency

Placer County Water Agency

Business Center: 144 Ferguson Rd. • Mail: P.O. Box 6570 • Auburn, California 95604-6570
(530) 823-4850 800-464-0030 www.pcwa.net



A Public Agency

BOARD OF DIRECTORS

Pauline Rocucci • Alex Ferreira
Otis Wollan • Lowell Jarvis
Michael R. Lee

David A. Breninger, General Manager
Ed Tiedemann, General Counsel

December 27, 2006
File No. WA/Auburn

RECEIVED

JAN 11 2007

ENVIRONMENTAL COORDINATION SERVICES

Maywan Krach
Placer County Community Development/Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

SUBJECT: Draft Environmental Impact Report for Bohemia Subdivision (PEIR 20050174)

Dear Ms. Krach,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Bohemia Subdivision. Placer County Water Agency (PCWA) has reviewed the information and has the following comments discussed below:

As discussed in the EIR, the Agency's Fiddler Green Canal traversing the project area would be required to be encased in pipe. Mitigation measure PUB-1b discusses the construction of a trash rack, spill with drainage to an acceptable storm drain and associated easements. The detention basin and storm drain design should be adequate to completely capture all site flows potentially associated with a significant storm event and a partial or complete Fiddler Green overflow to fully protect the Wise Canal which is adjacent to and down slope of this project. The canal must remain in service until the replacement piped canal is in service. The work will be done by the Applicants contractor under direct inspection of Agency personnel. All cost of the encasement/construction will be borne by the Applicant.

1

Water can be made available to the project from the Agency's 8" treated water main in Canal Street.

2

In order to obtain service, the developer will have to enter into a facilities agreement with the Agency to provide any on site or off site pipelines or other facilities if they are needed to supply water for domestic or fire protection purposes and pay all fees and charges required by the Agency, including the Water Connection Charges. The Agency does not reserve water for prospective customers and this letter in no way confers any right or entitlement to receive water service in the future. The purpose of this letter is to apprise you of the current status of water availability from the Agency's treated water system at the location specified above. The Agency makes commitments for service only upon execution of a facilities agreement and the payment of all fees and charges required by the Agency. All water availability is subject to the limitations described above and the prior use by existing customers.

3

If you have any questions, please call me at the Engineering Department at (530) 823-4886.

Sincerely,


Heather Trejo
Environmental Specialist

HT:ly

z:\EngFiles\WA\052-102.012, 013, 017, 025.doc

Water "Our Most Precious Resource"

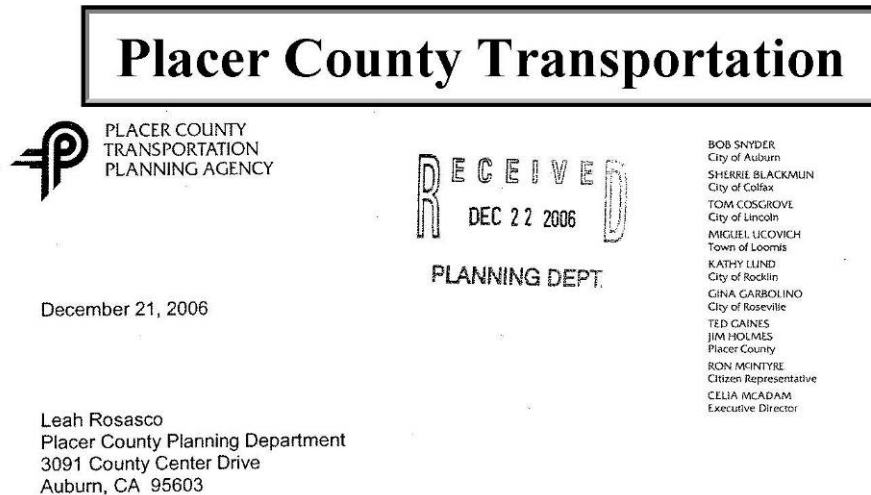
Response to Comments from Heather Trejo, Placer County Water Agency

Comment 1 Response: The commenter's statements about proposed encasement of Fiddler Green Canal and related requirements of PCWA are noted.

Comment 2 Response: The commenter notes that domestic water service will be extended to the project site from an 8-inch water main within Canal Street.

Comment 3 Response: The commenter's reminder to the project proponent that a facilities agreement with PWCA will be required is noted.

2.2.12 Comment Letter from Stan Tidman, Placer County Transportation Agency



Subject: Draft Environmental Impact Report (DEIR)
for the Bohemia Subdivision
Auburn Municipal Airport Land Use Compatibility

Dear Ms. Rosasco:

Proposed Project

Placer County prepared a DEIR for the redevelopment of the former Bohemia Limber Company site for a 114-lot residential development over approximately 18.5 acres. Permits required for the proposal include a General Plan/Community Plan Amendment, rezoning, and subdivision/tentative map approval.

The site is located in north Auburn and is bounded by SR 49, Union Pacific Railroad, and Canal Street (AP 052-102-012/013/017 and a portion of 025). It is located in the Auburn Municipal Airport's Influence Boundary (see attached map).

Airport Land Use Commission (ALUC)

Placer County Transportation Planning Agency (PCTPA) is the regional transportation planning agency for Placer County, exclusive of the Lake Tahoe Basin. PCTPA also acts as the Airport Land Use Commission (ALUC) for the public use airports in Placer County – Auburn Municipal, Blue Canyon, and Lincoln Regional. Generally, an ALUC's charge is to prepare/adopt airport land use compatibility plans and to promote land use compatibility.

299 Nevada Street • Auburn, CA 95603 • (530) 823-4030 • FAX 823-4036

Leah Rosasco, Placer County Planning Department
December 21, 2006
Page 2 of 4

Placer County Airport Land Use Compatibility Plan (ALUCP)

The ALUC adopted the Placer County Airport Land Use Compatibility Plan (ALUCP) in October 2000 (see PCTPA's web site -- www.pctpa.org – Project Library). It establishes land use compatibility criteria and zones around an airport based on noise, safety, airspace protection, and overflight provisions.

State law (Public Utilities Code, Section 21670) requires each local agency with jurisdiction for land uses within an ALUC's planning area to modify its general plan and specific plans to be consistent with airport land use compatibility plans. Once a local agency satisfies this consistency requirement, the ALUC's authority to review proposed projects becomes more limited.

To date, Placer County has not completed this requirement. In the interim, the County refers all development proposals within the airport's influence area to the ALUC for consistency determinations. *The ALUC consistency determination is required before a local jurisdiction takes action on a proposed project.*

ALUCP Background

The project site is approximately one and one-half miles south of the airport runway's west end. It is in the airport's Compatibility Zone D (Other Airport Environs). Areas in Compatibility Zone D are sometimes overflown by aircraft arriving and departing the airport. Hazards to flight are usually the only compatibility concern. The ALUCP's Primary Compatibility Criteria (Table 2A) summarizes maximum residential density/use intensity, prohibited uses, and other development conditions.

Noise. The project site is located outside of the airport's noise contours. There are no specific ALUCP noise provisions that apply to the proposal.

Safety. The intent of the ALUCP's safety provisions is to minimize the risks associated with an off-airport accident or emergency landing. Safety issues involve Maximum Densities/Intensities and Open Land. There are no maximum density or open space requirements for Compatibility Zone D.

Airspace Protection. The ALUCP requires an airspace review by ALUC staff for structures greater than 150'-high in Compatibility Zone D. To be consistent with ALUCP airspace protection provisions, the proposal must document that any proposed structures will not exceed 150'- in height – otherwise an ALUC airspace review will be required.

Leah Rosasco, Placer County Planning Department
December 21, 2006
Page 3 of 4

Overflights. Overflight compatibility concerns encompass a combination of noise and safety issues. There is no overflight requirement for Compatibility Zone D.

3

General Note: the ALUC staff recommends that anyone intending to offer land for sale or lease with the airport's influence area to disclose this fact. California's Business and Professions Code (Section 11010) and Civil Code (Sections 1102.6, 1103.4, and 1353) specify required disclosure for certain actions. See www.leginfo.ca.gov/calaw (Find California Law).

DEIR Comments

1. The DEIR should provide a figure illustrating the project site and its location to Auburn Municipal Airport Influence Area Boundary and compatibility zones. The DEIR should summarize all applicable ALUCP compatibility criteria.
2. The DEIR should also cite the ALUCP requires that an ALUC consistency determination must be completed on a proposed project before local agency approval.
3. DEIR page 1-6 cites the ALUC will review the proposed project to determine whether the proposed project is compatible with the ALUCP. This consistency determination is to be made once the proposed project is finalized based on the DEIR comments and any other modifications.
4. The DEIR Reference Chapter 6.0 should cite the Placer County ALUCP and the California Airport Land Use Planning Handbook.

4

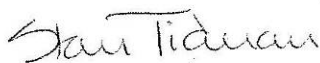
5

6

7

Thank you for the opportunity to comment on the DEIR and your interest in planning for compatible land uses around the Auburn Municipal Airport. If you have any questions, please call Celia McAdam, PCTPA Executive Director, at 530.823.4030 or me at 530.823.4033.

Sincerely,



Stan Tidman, Senior Planner

Attachments: Figure 3A – Compatibility Map – Auburn Municipal Airport

Leah Rosasco, Placer County Planning Department
December 21, 2006
Page 4 of 4

Copies: City of Auburn Jack Warren, Public Works Director
Jerry Martin, Auburn Municipal Airport Manager
Will Wong, Community Development Director
Sandy Hesnard, Aviation Environmental Planner, Division of Aeronautics

Response to Comments from Stan Tidman, Placer County Transportation Agency

Comment 1 Response: The commenter's statements about the Placer County Airport Land Use Compatibility Plan and the requirement that the County comply with provisions of that plan are noted.

Comment 2 Response: Comments concerning the relationship of the project site to the Auburn Municipal Airport influence area are noted. It is acknowledged that there are no increased hazards to the project site associated with airplane overflights.

Comment 3 Response: Comments concerning the relationship of the project site to the Auburn Municipal Airport influence area are noted.

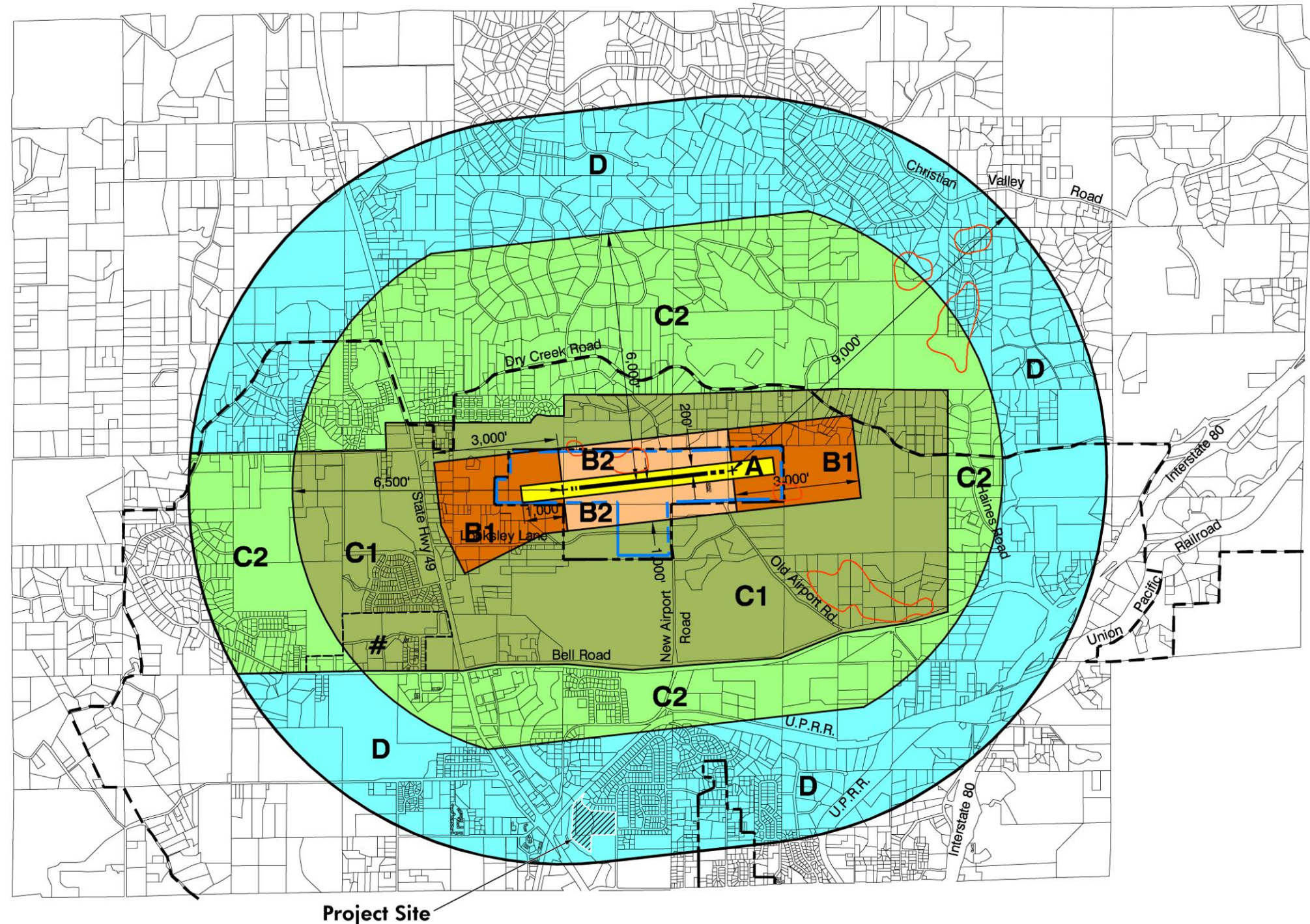
Comment 4 Response: This comment recommends that the EIR contain a figure showing the relationship of the project site to the airport and its compatibility zones. A figure showing the project site in relation to the land use compatibility map for the Auburn Municipal Airport has been added to EIR Section 2.0 Project Information

Comment 5 Response: This comment suggests the addition of language to the EIR clarifies the role of the Airport Land Use Commission (ALUC) in land use decisions. A statement indicating that the Airport Land Use Comprehensive Plan requires that an Airport Land Use Commission (ALUC) consistency determination occur before the project is approved has been added to Section 1.0 of the EIR, which includes a listing of requested entitlements.

Comment 6 Response: The comment describing the role of the ALUC in project approval is noted.

Comment 7 Response: This comment requests an addition to the References section of the EIR. Section 6.0 References will be amended to include reference to the Placer County Airport Land Use Compatibility Plan.

This page intentionally blank.



Legend

Compatibility Zones

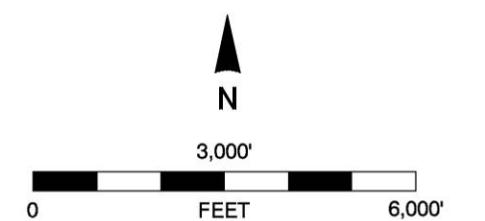
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D

- Height Review Overlay Zone

Boundary Lines

- Airport Property Line
- Auburn City Limits
- Auburn Sphere of Influence

Note: longitudinal dimensions measure from end of primary surface, 200' from ends of extended runway.



Project Site

Source: Shutt Moen Associates (October 25, 2000)

AUN-COMPATIBILITY G 06268275.01 001

Figure 2-7
**Auburn Municipal Airport
Compatibility Map**

2.2.13 Comment Letter from David Keyes, Placer County Sheriff

Placer County Sheriff

PLACER COUNTY
SHERIFF
CORONER-MARSHAL

MAIN OFFICE
P.O. BOX 6990
AUBURN, CA 95604
PH. (530)865-7300 FAX. (530)865-7899

TAHOE SUBSTATION
DRAWER 1710
TAHOE CITY, CA 96145
PH. (530)581-6300 FAX. (530)581-6377

EST. 1851

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

STEPHEN L. D'ARCY
UNDEPUTED SHERIFF

LAW ENFORCEMENT IMPACT REPORT Prepared by the Placer County Sheriff's Department DAVID KEYES/FIELD OPERATIONS COMMANDER

- I. **NAME OF PROJECT:** Bohemia Subdivision (PEIR T20050174)
- II. **LOCATION:** Located approx 1½ miles north of Auburn city, just east of State Route 49 (across Canal St), North Auburn.
- III. **AGENCIES/FIRM REQUESTING REPORT:**
Maywan Krach
Community Development Resource Agency
3091 County Center Dr, Ste 190
Auburn, CA 95603
- IV. **COMMERCIAL:**
A.
B.
- RESIDENTIAL**
A.
B. 114 multiple dwelling units x 2.5 = 285 residents
- V. **BUDGET IMPACT:**
A. Personnel (sworn)
1. At two (2) Deputies for every 1,000 residents
285 residents = 1,710 Deputy hours for field
(285 res. x 6.0) operations per year
2. Jail deputies = 345 hours per year
(285 res. x 1.21)
Total sworn hours per year: 2,055 @ \$53.50 per hour = \$109,943.00
- B. Personnel (non-sworn)**
1. Dispatch = 11 hours per year
2. Records = 4 hours per year
3. Clerical = 2 hours per year
Total support personnel hours per year: 17 @ \$36.50 per hour = \$621.00

C. Equipment

Vehicles, gasoline, maintenance, printing,
Weaponry, training, jail buildings = **\$36,855.00**

VI. ANNUAL BUDGET INCREASE

Sworn Personnel	\$109,943.00
Support Personnel	\$ 621.00
Equipment, etc.	\$ 36,855.00

TOTAL PER YEAR \$147,419.00

VII. SPECIAL PROBLEMS: none noted.

VIII. RECOMMENDATIONS: Many of the potential crime problems dealing with circulation systems and structures may be reduced by utilizing the concepts of "Crime Prevention Through Environmental Design" (CPTED). By working closely with law enforcement during all stages of this development, design features that encourage criminal activity can be identified and solutions found to mitigate problem designs.

1

IX. WILL/WILL NOT SERVE:

The Placer County Sheriff's Department's ability to handle law enforcement needs generated by this development are dependant on the Board of Supervisors authorizing funding equivalent to the needs mentioned in this report. Without the additional personnel, equipment, etc., appropriate service will be severely impaired.

2

EDWARD N. BONNER
SHERIFF/CORONER/MARSHAL

prepared by: A. Rogers/Crime Prevention
Placer County Sheriff/South Placer Substation
916-791-5884 01/11/07

Response to Comments from David Keyes, Placer County Sheriff

Comment 1 Response: The Department's recommendation to design the project in accordance with the crime prevention concepts of the publication entitled "Crime Prevention through Environmental Design" is noted. County staff may elect to apply conditions on the project that incorporate some or all of these concepts.

Comment 2 Response: The Department's concern about the fiscal impact of the proposed project is noted.

2.2.14 Comment Letter from Brad Harris, Placer County Fire Department

Placer County Fire Department

STATE OF CALIFORNIA-THE RESOURCES AGENCY
Arnold Schwarzenegger, Governor

PLACER COUNTY FIRE DEPARTMENT In Cooperation With:
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NEVADA-YUBA-PLACER UNIT
Placer County Office of Fire Protection Planning
3091 County Center Drive, Suite 160
Auburn, California 95603
(530) 745-3574 Fax (530) 745-3058



November 29, 2006

Maywan Krach
Placer County CDRA, Environmental Coordination Services
3091 County Center Drive, Suite 280
Auburn, California 95603

Project: **Bohemia Subdivision**

Location: Auburn

The project listed above has been reviewed by this Department and the following is a list of comments and conditions that shall be met prior to approval.

1. This project is within Placer County Fire Departments jurisdiction. Placer County has adopted the 2001 California Fire Code and any variance to said code shall be approved by this office.
2. Security gates, if installed, shall be provided with Fire Department access locks or switches. Placer County fire department currently uses the KNOX system and applications are available at this office. Please contact this office prior to installing gates which may hamper Fire Department Access.
3. Fire hydrants are required for this project. Hydrants with a fire flow of 1000 gpm each from a municipal supply shall be installed prior to final approval for dwellings under 3,600 square feet. If the dwellings are larger than 3,600 square feet the fire flow shall be 1500 gpm minimum. Hydrant placement shall be approved by this office. Fire hydrants shall be clearly identified to prevent obstruction by parking or other obstructions.
4. This project will require an emergency access/egress road be provided. Said road shall be a minimum of 20' wide, paved and provide access and egress for the subdivision. The road shall be clearly identified to prevent parking or obstructions. If a gate is installed it shall be unlocked and approved by this office.
5. Roadways shall meet the applicable Placer County standards. Any variance shall be approved by this office. Refer to the Placer County Department of Public Works general specifications book.

1

STATE OF CALIFORNIA-THE RESOURCES AGENCY
Arnold Schwarzenegger, Governor

PLACER COUNTY FIRE DEPARTMENT *In Cooperation With:*
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NEVADA-YUBA-PLACER UNIT
Placer County Office of Fire Protection Planning
3091 County Center Drive, Suite 160
Auburn, California 95603
(530) 745-3574 Fax (530) 745-3058



6. Roadways and water supplies for fire protection shall be installed and made serviceable prior to and during the time of construction. Grading, slab and foundation construction shall not be included for this requirement.

7. Building numbers shall be visible from the access street or road fronting the property, clearly visible from both directions of travel on the road/street. Said numbers shall contrast with their background.

8. All driveways shall comply with the requirements PRC 4290 and Placer County Code.

9. Defensible Space Standards shall be met pursuant to PRC 4291.

Should you have any questions, please feel free to contact me.

Brad Harris
Unit Chief

Brad Albertazzi, Captain
Placer County Fire Protection Planning

1
(Cont)

Response to Comments from Brad Harris, Placer County Fire Department

Comment 1 Response: Recommended conditions of project approval cited in this letter are noted. County staff may elect to include some or all of these as conditions of approval.

2.2.15 Comment Letter from Rick Ward, California Highway Patrol

California Highway Patrol

State of California—Business, Transportation and Housing Agency ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

California Highway Patrol
9440 Indian Hill Road
Newcastle, CA 95658
(916) 735-3344
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 3, 2007

File No.: 220.10284.13332.SCH#2005042135

RECEIVED

JAN 12 2007

ENVIRONMENTAL COORDINATION SERVICES

Ms. Maywan Krach
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive
Auburn, CA 95603

Dear Ms. Krach:

Recently, the California Highway Patrol (CHP) Auburn Area had the opportunity to review the Draft Environmental Impact Report for the Bohemia Subdivision SCH#2005042135. We believe the growth discussed will impact the mission of the CHP of providing safety and service of the public as they use the highway transportation system within Placer County. The project as outlined will increase traffic volume and impact the State highways and roadways within the eastern portion of Placer County, primarily Interstate 80 (I-80), and State Route 49 (SR-49).

1

The effect this project will have over the Auburn CHP Area could be significant in the number of residents it will attract. The proposed plan encompasses approximately 18.5 acres currently in the unincorporated area of Placer County. The plan calls for a maximum of 114 residential units with a population increase of approximately 305.

The Auburn CHP Area office is responsible for more than 800 square miles of area in west Placer County, which includes I-80, S.R. 49, S.R. 193, S.R. 65, and over 1,100 miles of county roadways. We currently have 30 Road Patrol Officers assigned to the Auburn CHP Area office to patrol these roadways 24 hours a day, 365 days a year. We are committed to providing the maximum amount of service and traffic enforcement allowable with our current staffing levels. However, this project will impact our ability to provide traffic law enforcement services, unless additional staffing is allocated to patrol this project.

2

There are no immediate plans to augment the workforce in the Auburn CHP Area Office nor are there any major roadway projects to significantly increase the traffic capacity of I-80 or SR-49. This is an area that should be discussed as this project will have an impact on traffic.

In order for the Auburn CHP Area to adequately patrol the Bohemia subdivision, we will need one additional officer to accommodate this project. The additional is based on the Placer County Sheriff's Department's staffing formula for providing law enforcement services within Placer County. The PSCO formula is 1.3 personnel per 1,000 residents (1.3:1,000). PSCO is responsible for the same geographic

Safety, Service, and Security

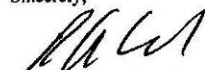
Ms. Maywan Krach
Page 2
January 3, 2007

area as the Auburn CHP Area. PSCO is responsible for handling the enforcement of criminal investigations and incidents while the Auburn CHP Area is responsible for handling enforcement of traffic investigations and incidents within Placer County. Using PSCO's staffing formula, the Auburn CHP Area will need one additional officer to provide traffic enforcement, accident investigation, motor services, and vehicle theft incidents.

2
(Cont)

We thank you for allowing our comments regarding the Draft Environmental Impact Report. Through cooperative partnerships with local, county and State entities the CHP will continue to monitor the growth within western Placer County and the surrounding cities for its impact on the CHP's mission.

Sincerely,



RICK WARD, Captain
Commander
Auburn Area

cc: Assistant Chief Sal Segura, Valley Division
Captain Joe Whiteford, Special Projects Section

Response to Comments from Rick Ward. California Highway Patrol

Comment 1 Response: The comment that the proposed project will add to traffic on area streets and highways is noted. Projected traffic impact is fully analyzed in EIR Section 3.11 Transportation.

Comment 2 Response: The potential impact of the project on services provided by the California Highway Patrol is noted. To date, the County has not implemented a mechanism that specifically addresses impact of development on State agencies, such as the CHP. Like many local agencies. The County presumably takes the position that needed funding is derived through property and highway taxes.

2.3 Public Hearing Comments and Responses

A public hearing on the Draft EIR was held at the Planning Commission on December 14, 2006. The project was presented and summarized by Placer County Planning Department staff. Questions were asked by members of the Commission and answered by Planning Department staff. Comments from the audience and responses are provided below.

Comments from Jess Torres

Mr. Torres expressed concerns about storm drainage and traffic issues. His comments are contained in two letters included in this report. Responses to comments are provided following each letter.

Joan Jovan

Ms. Jovan expressed concern about existing traffic conditions, especially at the Luther/Canal intersection and along highway 49, which would be exacerbated by the proposed project. She also indicated that her homeowner's association, Mountain Shadows, had not received proper and timely notice of the public hearing.

Allan Jovan

Mr. Jovan asked about the proposed affordable housing aspect of the project.

Carl Coleman

Mr. Coleman noted that most of the traffic from the project will go north on Canal Street to Oakridge rather than to Luther Road, because of congestion at the Luther/Canal intersection. He also commented that the density of the proposed project, with 3,000- square-foot lots, may be incompatible with the surrounding development, which averages approximately 8,000-square foot lots.

Planning Commissioner Burris

Commissioner Burris noted that the number of travel lanes on Highway 49 varies, resulting in traffic congestion during peak hours. He expressed concern about the cumulative effect of approving projects dependent upon Highway 49.

Planning Commissioner Jim Foreman

Commissioner Foreman commented that the possible past use of wood preservatives at the former lumber mill site should be addressed in the EIR. Dana Wiyninger of the Environmental Health Department indicated that the risk assessment process with the state Department of Toxic Substances Control, as described in Mitigation Measure SAFE-1, would include an evaluation and remediation of any wood treatment constituents of concern.